

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 47

94TH GENERAL ASSEMBLY

2007

0104L.09T

---

---

## AN ACT

To repeal sections 320.200, 320.271, and 320.310, RSMo, and to enact in lieu thereof eight new sections relating to fire protection.

---

---

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 320.200, 320.271, and 320.310, RSMo, are repealed  
2 and eight new sections enacted in lieu thereof, to be known as sections 320.200,  
3 320.271, 320.310, 320.330, 320.333, 320.336, 320.339, and 1, to read as follows:

320.200. As used in sections 320.200 to [320.270] **320.271**, unless the  
2 context requires otherwise, the following terms mean:

- 3 (1) "Division", the division of fire safety created in section 320.202;
- 4 (2) "Dwelling unit", one or more rooms arranged for the use of one or more  
5 individuals living together as a single housekeeping unit, with cooking, living,  
6 sanitary, and sleeping facilities;
- 7 (3) "**Fire department**", an agency or organization that provides  
8 fire suppression and related activities, including but not limited to, fire  
9 prevention, rescue, emergency medical services, hazardous material  
10 response, or special operation to a population within a fixed and legally  
11 recorded geographical area. The term "fire department" shall include  
12 any municipal fire department or any fire protection district as defined  
13 in section 321.010, RSMo, or voluntary fire protection association as  
14 defined in section 320.300, engaging in this type of activity;
- 15 (4) "Fire loss", loss of or damage to property, or the loss of life or of  
16 personal injury, by fire, lightning, or explosion;

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17            [(4)] (5) "Investigator", the supervising investigators and investigators  
18 appointed under sections 320.200 to 320.270;

19            [(5)] (6) "Owner", any person who owns, occupies, or has charge of any  
20 property;

21            [(6)] (7) "Privately occupied dwelling", a building occupied exclusively for  
22 residential purposes and having not more than two dwelling units;

23            [(7)] (8) "Property", property of all types, both real and personal, movable  
24 and immovable;

25            [(8)] (9) "State fire marshal", the state fire marshal selected under the  
26 provisions of sections 320.200 to 320.270.

                 320.271. All fire protection districts, fire departments, and all volunteer  
2 fire protection associations as defined in section 320.300 shall **complete and** file  
3 with the state fire marshal within sixty days after [August 13, 1988] **January**  
4 **1, 2008**, and annually thereafter, [the name and address of the fire protection  
5 district, fire department, or volunteer fire protection association] **a fire**  
6 **department registration form provided by the state fire marshal. The**  
7 **state fire marshal may issue a fire department identification number**  
8 **to each registered fire protection district, fire department, or volunteer**  
9 **fire protection association based upon such registration. The state fire**  
10 **marshal may conduct periodic reviews of the information provided on**  
11 **each fire department registration form and may deny or revoke a fire**  
12 **department identification number based upon the information**  
13 **provided.**

                 320.310. 1. All volunteer fire protection associations [may] **as defined**  
2 **in section 320.300 shall** identify the association's boundaries and file the same  
3 with the county administrative body.

4            2. **Except as provided in section 320.090 and section 44.090,**  
5 **RSMo, and except for state agencies that engage in fire suppression and**  
6 **related activities, those fire protection districts, municipal fire**  
7 **departments, and volunteer fire protection associations, as defined in**  
8 **section 320.300, shall be the sole provider of fire suppression and**  
9 **related activities. For the purposes of this subsection, the term "related**  
10 **activities" shall mean only fire prevention, rescue, hazardous material**  
11 **response, or special operation within their legally defined boundaries.**

12            3. **Only upon approval by the governing body of a municipal fire**  
13 **department, fire protection district, or volunteer fire association**

14 registered with the office of the state fire marshal, as required by  
15 section 320.271, shall any other association, organization, group, or  
16 political subdivision be authorized to provide the fire suppression  
17 response and related activities referenced in subsection 2 of this  
18 section within the legally defined boundaries of any municipal fire  
19 department, fire protection district, or volunteer fire association.

20 4. Any such association, group, or political subdivision denied  
21 approval to operate within the established boundaries of a fire  
22 department or volunteer fire association may appeal that decision  
23 within thirty days of the decision to the circuit court having  
24 jurisdiction for a trial de novo.

25 5. Notwithstanding the provisions of subsections 2 and 3 of this  
26 section, ambulance services and districts which are or will be licensed,  
27 formed, or operated under chapter 190, RSMo, may provide emergency  
28 medical services and nonemergency medical transport within the  
29 geographic boundaries of a fire department. Nothing in this section  
30 shall supersede the provisions set forth in section 67.300, RSMo,  
31 chapter 190, RSMo, or chapter 321, RSMo.

320.330. Sections 320.330 to 320.339 shall be known and may be  
2 cited as the "Volunteer Firefighter Job Protection Act".

320.333. 1. As used in sections 320.330 to 320.339, the phrase  
2 "volunteer firefighter" means any firefighter in the service of any fire  
3 department or fire protection district, including but not limited to any  
4 municipal, volunteer, rural, or subscription fire department or  
5 organization, or volunteer fire protection association, who receives no  
6 monetary compensation for his or her services.

7 2. The term "monetary compensation" includes any economic  
8 return for services and shall not include:

9 (1) Life insurance, sickness, health, disability, annuity, length of  
10 service, retirement, pension, and other employee-type fringe benefits;

11 (2) De minimus compensation to pay for fuel, minor costs related  
12 to transportation, and other minor operation costs.

320.336. 1. No public or private employer shall terminate an  
2 employee for joining any fire department or fire protection district,  
3 including but not limited to any municipal, volunteer, rural, or  
4 subscription fire department or organization, a volunteer fire  
5 protection association, as a volunteer firefighter, Missouri-1 Disaster

6 **Medical Assistance Team, Missouri Task Force One, or Urban Search**  
7 **and Rescue Team.**

8       **2. No public or private employer shall terminate an employee**  
9 **who is a volunteer firefighter, a member of Missouri-1 Disaster Medical**  
10 **Assistance Team, Missouri Task Force One, or Urban Search and**  
11 **Rescue Team because the employee, when acting as a volunteer**  
12 **firefighter, a member of Missouri-1 Disaster Medical Assistance Team,**  
13 **Missouri Task Force One, or Urban Search and Rescue Team is absent**  
14 **from or late to his or her employment in order to respond to an**  
15 **emergency before the time the employee is to report to his or her place**  
16 **of employment.**

17       **3. An employer may charge against the employee's regular pay**  
18 **any time that an employee who is a volunteer firefighter, a member of**  
19 **Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One,**  
20 **or Urban Search and Rescue Team loses from employment because of**  
21 **the employee's response to an emergency in the course of performing**  
22 **his or her duties as a volunteer firefighter, a member of Missouri-1**  
23 **Disaster Medical Assistance Team, Missouri Task Force One, or Urban**  
24 **Search and Rescue Team.**

25       **4. In the case of an employee who is a volunteer firefighter, a**  
26 **member of Missouri-1 Disaster Medical Assistance Team, Missouri Task**  
27 **Force One, or Urban Search and Rescue Team and who loses time from**  
28 **his or her employment in order to respond to an emergency in the**  
29 **course of performing his or her duties as a volunteer firefighter, a**  
30 **member of Missouri-1 Disaster Medical Assistance Team, Missouri Task**  
31 **Force One, or Urban Search and Rescue Team, the employer has the**  
32 **right to request the employee to provide the employer with a written**  
33 **statement from the supervisor or acting supervisor of the volunteer fire**  
34 **department or the commander of Missouri-1 Disaster Medical**  
35 **Assistance Team stating that the employee responded to an emergency**  
36 **and stating the time and date of the emergency.**

37       **5. An employee who is a volunteer firefighter, or a member of**  
38 **Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One,**  
39 **or Urban Search and Rescue Team and who may be absent from or late**  
40 **to his or her employment in order to respond to an emergency in the**  
41 **course of performing his or her duties as a volunteer firefighter, or a**  
42 **member of Missouri-1 Disaster Medical Assistance Team, Missouri Task**

43 Force One, or Urban Search and Rescue Team shall make a reasonable  
44 effort to notify his or her employer that he or she may be absent or  
45 late.

320.339. An employee who is terminated in violation of sections  
2 320.330 to 320.339 may bring a civil action against his or her employer  
3 who violated sections 320.330 to 320.339. The employee may seek  
4 reinstatement to his or her former position, payment of back wages,  
5 reinstatement of fringe benefits, and, where seniority rights are  
6 granted, reinstatement of seniority rights. If the employee prevails in  
7 such an action, the employee shall be entitled to an award of  
8 reasonable attorney's fees and the costs of the action. The employee  
9 shall commence such an action within one year after the date of the  
10 employee's termination.

Section 1. The inspection conducted under subsection 14 of  
2 section 190.105, RSMo, shall be limited to the verification of compliance  
3 with standards for renewal of an existing license, and shall not include  
4 the criteria set forth in subsection 3 of section 190.109, RSMo, or any  
5 other existing criteria required for the issuance of a license to a  
6 nonlicense holder or for a licensee seeking to expand its ambulance  
7 service area. Any licenses acquired upon a sale or transfer of any  
8 ground ambulance service ownership shall remain in full force and  
9 effect after the sale or transfer unless suspended or revoked for cause  
10 as provided in section 190.165, RSMo.

✓

Copy